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SABA SOFTWARE, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

IP LEARN, LLC,

Plaintiff and Counterdefendant,

v.

SABA SOFTWARE INC.,

Defendant and Counterclaimant.

No. C 02-02634 JW

**SABA'S PROPOSED CLAIM TERMS
AND CLAIM ELEMENTS FOR
CONSTRUCTION**

(Patent L.R. 4-1)

AND RELATED COUNTERCLAIMS.

Pursuant to Northern District Patent Local Rule 4-1, Saba hereby submits its proposed claim terms, phrases, or clauses for construction for U.S. Patent No. 5,779,486 (the "486 patent"), U.S. Patent No. 5,934,909 (the "909 patent"), U.S. Patent No. 6,118,973 (the "973 patent"), U.S. Patent No. 6,126,448 (the "448 patent"), and U.S. Patent No. 6,398,556 (the "556 patent"). These terms and phrases are in addition to the terms and phrases listed in Saba's Proposed Claim Terms and Claim Elements for Construction, dated December 4, 2002.

I. TERMS FOR CONSTRUCTION FROM THE '486, '909, AND '973 PATENTS

Saba proposes that the following terms or phrases be construed:

relationship rules
pre-requisite rules
inference engine
pre-requisite analyzer
score generator
generate/generating a score
overall score/overall scores
question generator
generate/generating...questions
test-results-storage medium
analysis-rules-storage medium
complexity-hierarchy
first computing device
second computing device
analyzing...test results
assessing/assessment
plurality
prior-to-the-latest test results
server computer
client computer

II. TERMS FOR CONSTRUCTION FROM THE '448 PATENT

Saba proposes that the following terms or phrases be construed:

job position
job/jobs

ascertain/ascertaining/ascertained

profile

learning materials

III. TERMS FOR CONSTRUCTION FROM THE '556 PATENT

Saba proposes that the following terms or phrases be construed:

institute user

learning user

pays to access

materials regarding the user/materials regarding the learning user/materials regarding at least one learning user/materials regarding the at least one learning user

ascertaining

modularized as learning objects

Dated: January 29, 2003

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